**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Michael B. Zemel

Appl. No. 10/827,296

Confirmation No. 2568

Filed: April 20, 2004

For : METHOD OF REDUCING RISK OF A
WEIGHT-RELATED HEALTH
DISEASE

Art Unit : 1616

Examiner: WEBMAN, Edward J.

Atty. Docket No. 31894-202098

Customer No.

26694

PATENT TRADEMARK OFFICE

DR. MICHAEL B. ZEMEL DECLARATION UNDER 37 C.F.R § 1.132Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

Sir:

I, Michael B. Zemel, Ph.D., declare the following, based on my own knowledge, information, and belief:

1. That I am a co-inventor of subject matter described and claimed in the above-identified U.S. Patent Application.
2. Hang Shi and Paula Carney (formally Paul Zemel) are also inventors of the subject matter claimed in the above-identified U.S. Patent Application.
3. To my knowledge, the other authors, Betty Greer and Douglas Dirienzo, of "Regulation of Adiposity by Dietary Calcium", The FASEB Journal, volume 14, pages 1132-1138 (June 2000), are not inventors of the claimed subject matter. To the extent the reference includes any claimed subject matter, such subject matter disclosed in this reference was derived from,

Application No. 10/827,296

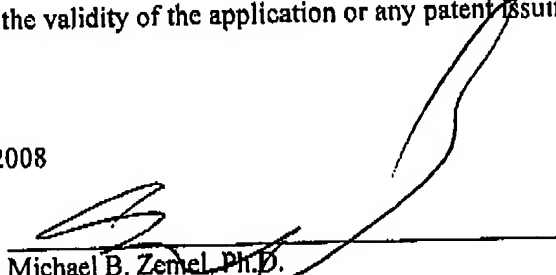
Docket No.: 31894-202098

Declaration of Dr. Michael B. Zemel under 37 C.F.R. § 1.132

originated with, or was obtained from the inventors rather than the other authors of these references.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 28 day of March, 2008


Michael B. Zemel, Ph.D.

dc2/943564